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LEGISLATIVE HISTORY

Public Law 89-34
H. R. 6691

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INDEX AND SUMMARY OF H. R. 6691

Mar. 24, 1965	Rep. Ashmore introduced H. R. 6691 which was referred to the Judiciary Committee. Print of bill as introduced.
Mar. 31, 1965	House subcommittee voted to report H. R. 6691.
Apr. 27, 1965	House committee reported H. R. 6691 without amendment. H. Report No. 262. Print of bill and report.
May 3, 1965	House passed H. R. 6691 without amendment.
May 4, 1965	H. R. 6691 was referred to the Senate Agriculture and Forestry Committee. Print of bill as referred.
May 12, 1965	Senate subcommittee approved H. R. 6691.
May 19, 1965	Senate committee voted to report H. R. 6991.
May 25, 1965	Senate committee reported H. R. 6691 without amendment. S. Report No. 244. Print of bill and report.
May 26, 1965	Senate passed H. R. 6691 without amendment.
June 5, 1965	Approved: Public Law 89-34.

DIGEST OF PUBLIC LAW 89-34

VALIDATION OF CERTAIN PAYMENTS MADE TO FOREST
SERVICE EMPLOYEES.

Validates overpayments made to members of the
Southwestern Firefighting Crews from New Mexico
and Arizona, employees of the Forest Service.

Relieves certifying and disbursing officers of
the Forest Service from responsibility for certain
overpayments.

89TH CONGRESS
1ST SESSION

H. R. 6691

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1965

Mr. ASHMORE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To validate certain payments made to employees of the Forest Service, United States Department of Agriculture.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That overpayments made by the Forest Service, United
4 States Department of Agriculture, during the forest fire
5 seasons, 1961, 1962, and 1963 to employee-members of
6 southwestern firefighter crews from New Mexico and Ari-
7 zona, whose services were used in fighting forest fires in
8 Idaho, Nevada, California, Colorado, and Wyoming, and
9 payments for traveltime in excess of eight hours a day and
10 for traveltime prior to actual start of travel, are hereby
11 validated.

1 SEC. 2. The Comptroller General of the United States,
2 or his designee, shall relieve authorized certifying and dis-
3 bursing officers of the Forest Service, United States Depart-
4 ment of Agriculture, from accountability or responsibility
5 for any payments described in section 1 of this Act, and
6 shall allow credits in the settlement of the accounts of those
7 officers for payments which are found to be free from fraud
8 and collusion.

89TH CONGRESS
1ST SESSION

H. R. 6691

A BILL

To validate certain payments made to employees of the Forest Service, United States Department of Agriculture.

By Mr. ASHMORE

MARCH 24, 1965

Referred to the Committee on the Judiciary

H. R. 6681

A BILL

FOR THE PURPOSE OF

AMENDING THE

ACT OF MARCH 3, 1879,

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

Official Business Postage and Fees paid
U. S. Department of Agriculture

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued April 1, 1965
For actions of March 31, 1965
89th-1st; No. 58

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HIGHLIGHTS: House passed water resources planning bill. House committee reported water pollution control bill. House received President's proposed area and regional development bill. Rep. Langen inserted GOP task force report critical of farm program. House received President's report on Public Law 480. House committee granted permission to report supplemental appropriation bill by Apr. 2. Several Reps. introduced and Rep. Resnick discussed bill to provide nationwide marketing order for table eggs. Several Reps. introduced and Rep. Fallon discussed administration's bill on area and regional economic development.

HOUSE

1. WATER RESOURCES. Passed with amendments S. 21, the proposed Water Resources Planning Act, after substituting the language of similar bill, H. R. 1111, which had been passed with amendments earlier by the House by a vote of 383 to 0 (pp. 6161-81). H. R. 1111 was then tabled (p. 6181). As passed the bill includes provisions as follows: Establishes a Federal Water Resources Council, composed of the Secretarys of Interior, Agriculture, Army, and HEW and the Chairman of the Federal Power Commission, to coordinate river basin plans and maintain a continuing study of water supply requirements and management.

Authorizes the President to establish river basin water resources commissions with responsibility for coordinating Federal, State, local, and nongovernmental plans for the development of water and related land resources; preparing and keeping up to date a comprehensive, integrated, joint plan for these resources; recommending long-range schedules or priorities for the collection and analysis of basic data and for investigation, planning, and construction of projects; and fostering and undertaking studies of water and related land resources problems. Authorizes annual appropriations of \$5 million, beginning the next fiscal year after enactment, for a period of 10 years for grants to States to assist them in developing comprehensive water resources plans and in participating in the work of the river basin commissions.

2. REGIONAL DEVELOPMENT. Received from the President a proposed bill "to provide grants for public works and development facilities, other financial assistance, and persistent unemployment and underemployment in economically distressed areas and regions" (H. Doc. 131); to Public Works Committee. p. 6219
3. OLDER AMERICANS. By a vote of 391 to 1, passed with amendments H. R. 3708, the proposed Older Americans Act of 1965, providing for the establishment of an Administration on Aging in HEW. pp. 6137-61, 6207
4. FORESTRY; PERSONNEL. A subcommittee of the Judiciary Committee voted to report to the full committee H. R. 6691, to validate certain over-payments made by the Forest Service to Southwestern Indian firefighter crews from N. Mex. and Ariz. p. D249
Received a N. Mex. Legislature resolution "requesting a review of overly severe grazing regulations enforced by the U. S. Forest Service." p. 6222
5. PUBLIC LAW 480. Received from the President the annual report on activities carried on under Public Law 480 (H. Rept. 130). pp. 6135-6
6. WATER POLLUTION. The Public Works Committee reported with amendment S. 4, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters (H. Rept. 215). p. 6220
Rep. Farnum inserted an article commending efforts for increased water pollution control measures. p. 6215
7. FARM PROGRAM. Rep. Langen inserted a GOP agriculture task force report critical of administration farm policies and suggesting areas which should be studied by the task force. pp. 6196-7
8. MANPOWER. Received from Labor a report on manpower research and training under the Manpower Development and Training Act for calendar year 1964. p. 6220
Rep. O'Hara commended accomplishments under the manpower development and training program. pp. 6215-6
9. LIVESTOCK. Rep. Teague inserted a number of resolution adopted at the convention of the Texas and Southwestern Cattle Raisers Assoc. relating to problems in the livestock industry. pp. 6217-8

April 27, 1965

1. SOIL CONSERVATION. Rep. Shriver commended the Soil Conservation Service and stated that he would "support full restoration of funds to the agricultural conservation program and \$20 million for soil conservation services."
pp. 8341-2
2. DAYLIGHT SAVING TIME. Rep. Fraser spoke in support of his bill to require that all States that have daylight saving time go on and off on the same dates.
p. 8347
3. FOREIGN AID. Rep. Fraser announced that the weekly foreign aid discussions sponsored by a bipartisan group from the Foreign Affairs Committee would resume on Apr. 28. pp. 8347-8
4. Peace Corps. Received from the State Department a proposed bill "to amend further the Peace Corps Act (75 Stat. 612), as amended"; to Foreign Affairs Committee. p. 8352
5. WILDLIFE. The Interior and Insular Affairs Committee reported with amendment H. R. 5269, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control (H. Rept. 254). p. 8352
6. PERSONNEL. The Judiciary Committee reported without amendment H. R. 6691, to validate certain over-payments made by the Forest Service to Southeastern Indian firefighter crews from N. Mex. and Ariz. (H. Rept. 262). p. 8352
7. TRADE FAIRS. A subcommittee of the Merchant Marine Committee voted to report to the full committee H. R. 4525, to amend the Merchant Marine Act, 1936, to provide for the continuation of authority to develop American-flag carriers and promote the foreign commerce of the United States through the use of mobile trade fairs. p. D324
8. FOREIGN TRADE. Rep. Saylor criticized our foreign spending policies and inserted portions of a report which he stated "substantiates the fact that the major world trading countries...favor their domestic concerns to the almost complete exclusion of U. S. products." pp. 8321-37

ITEMS IN APPENDIX

9. LANDS. Sen. Moss inserted an address by Irving Senzel, Chief, Division of Lands and Minerals, Bureau of Land Management, "Comprehensive Land-Use planning and the Public Domain." pp. A1965-6
10. POSTAL SERVICE. Extension of remarks of Rep. Cunningham criticizing the postal service and inserting several of the "hundreds of letters" he has received from constituents favoring an investigation of the quality of the service. pp. A1970-1
11. WATER. Extension of remarks of Rep. Senner defending his position that the construction of two dams on the Lower Colorado River Basin project will not "drown the Grand Canyon." pp. A1972-3

22. FARM PROGRAM. Extension of remarks of Rep. Laird inserting a letter to the editor criticizing farm policies and stating that it "merits the attention of all my colleagues who are seriously concerned about the agriculture policies of the current administration." pp. A1975-6
23. LEGISLATIVE PROGRAM. Rep. Harvey inserted an article, "More Caution, Less Speed Badly Needed As Congress Rushes Welfare Legislation." p. A1979
24. WATERSHEDS. Extension of remarks of Rep. Callan praising and urging an expansion of the small watershed program. p. A1982
25. PESTICIDES. Extension of remarks of Rep. Rosenthal inserting an article, "Mr. Whitten and 'Silent Spring'", critical of the H. Appropriations Subcommittee report and stating that "Now it will be necessary for Secretary Freeman to be alert to see that some of his departmental bureaucrats do not seize upon the Whitten report as an excuse to revert to old errors." p. A1986
26. 4-H CLUBS. Extension of remarks of Rep. Sikes inserting the prize-winning speech of a 4-H Club member. p. A1986
27. WATER POLLUTION. Rep. Blatnik inserted "the graphic statement of the mounting demand for stronger action to combat water pollution of the Great Lakes." pp. A1987-8
28. SOIL CONSERVATION. Extension of remarks of Rep. Cooley saluting the Soil Conservation Service on their 30th anniversary and stating that "...it is a matter of consternation to Members of this House that the administration now has submitted to the Congress a proposal that would withdraw the Government from full participation and leadership in the conservation movement." p. A1994

BILLS INTRODUCED

29. COFFEE. S. 1830 by Sen. Inouye, to amend the Agricultural Act of 1949, as amended, in order to provide a price support program for coffee produced in the State of Hawaii; to Agriculture and Forestry Committee.
30. PATENTS. H. R. 7635 by Rep. Pool, to amend section 1498 of title 28, United States Code, to authorize the use of manufacture, in certain cases, by or for the United States of any invention described in and covered by a patent of the United States; to Judiciary Committee. Remarks of author pp. 8301-2
H. J. Res. 431 by Rep. Willis, extending the duration of copyright protection in certain cases; to Judiciary Committee.
31. PROPERTY. H. R. 7632 by Rep. Moeller, to provide for the conveyance of certain real property of the United States to the city of Athens, Ohio; to Agriculture Committee.
32. PERSONNEL. H. R. 7633 by Rep. Pelly, to amend the Civil Service Retirement Act so as to provide relief for those employees involuntarily separated from service; to Post Office and Civil Service Committee.

VALIDATION OF CERTAIN PAYMENTS MADE TO EMPLOYEES OF THE FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE

APRIL 27, 1965.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. KING of New York, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 6691]

The Committee on the Judiciary, to whom was referred the bill (H.R. 6691) to validate certain payments made to employees of the Forest Service, U.S. Department of Agriculture, having considered the same, report favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to validate overpayments made by the Forest Service, U.S. Department of Agriculture, during the forest fire seasons, 1961, 1962, and 1963 to employee-members of southwestern firefighter crews from New Mexico and Arizona, whose services were used in fighting forest fires in Idaho, Nevada, California, Colorado, and Wyoming, and to validate payments for travel time in excess of 8 hours a day for travel time prior to actual start of travel.

STATEMENT

This bill was introduced in accordance with the recommendations of an executive communication from the Department of Agriculture which recommends its enactment.

The bill, H.R. 6691, would validate payments made by the Department in some 1,421 cases over a 3-year period for services rendered the Government as firefighters, and it provides that refunds of such payments will not be required. The bill provides for relief of the authorized certifying and disbursing officers of the Forest Service, U.S.

Department of Agriculture, from accountability or responsibility for any payments described in the bill and allows credits in the settlement of the accounts of those officers for payments which are found to be free from fraud and collusion. The committee notes that such a provision is necessary since those primarily liable for repayment, the firefighters, are relieved under the bill.

The individuals covered by this bill were employed in accordance with the Department's program of organizing and training southwestern Indians which was initiated by the Forest Service beginning shortly after World War II for the purpose of having a ready availability of capable, trained outdoorsmen who could withstand the rigors of hard physical labor under adverse conditions. Through this practice the Indian firefighters have developed into unusually well-qualified and experienced forest firefighters. They have been sent to forest fires throughout most of the forested areas of Western United States.

Indian firefighters from the reservations of Arizona and New Mexico have built a considerable national reputation for their firefighting ability and accomplishments. There is no difference or distinctions to organization, training, ability, or assignment between the Indians from reservations in Arizona and those from reservations in New Mexico. Except for a period from April 2, 1961, to April 1, 1962, the pay scales were identical regardless of domicile. In later years a few Spanish-American crews were organized and used on the same basis.

Language barriers, tribal customs, special training, and organization have caused these Indians from Arizona and New Mexico to operate to a large extent as self-contained units. On the fireline and in the fire camps these Indians do not associate with other firefighters, but instead, they work as special crews and maintain separate camp areas. On the fireline they are not interspersed with other firefighters. They have their own strawbosses, interpreters, liaison officers, and Indian leaders. Special rules governing the above and other items of operation such as activating crews on short notice through central contracts have been worked out with the various tribes involved and are applied uniformly.

The forest fire seasons of 1961 and 1962 were particularly disastrous, at times taxing the manpower strength and reserves of the Forest Service. In 1961 southwestern firefighter crews were moved into the Salmon National Forest of Idaho; in 1962 crews were flown into both California and Colorado and used on fires on several national forests. Although the 1963 fire season was generally more favorably, fires in June of that year in Colorado and Wyoming were of such size and potential danger that 317 crewmembers were mobilized and sent to the San Isabel, Pike, and Shoshone National Forests.

As a general rule, and with only rare exception, these firefighter crews are paid at or near the fire location as they are released from fire duty. Payment is accomplished by Treasury check issued by assistant disbursing officers. Timekeeping procedures, prepayment, computation and audit, and check issuances are within good business practice and sound control. Notwithstanding these controls, the emergency conditions which prevail at the sites of forest fires create difficulties in the recordkeeping and payment actions.

As a result of audits by the General Accounting Office, it was found that overpayments to members of southwestern firefighter crews occurred in the summers of 1961, 1962, and 1963. Notices of exception have been issued to the disbursing officers and certifying officers

involved. Overpayments in varying amounts were made in 1,421 cases and the overpayments total \$32,472. Of this amount, \$31,462 is covered by the Comptroller General's report to the Congress, dated March 1964. The remaining \$1,010 is the result of a subsequent General Accounting Office audit and is not included in their March report. The average overpayment is \$22.85, but actual overpayments vary from \$3.10 to \$99.84.

The Department of Agriculture has thoroughly considered the possible success it would have in attempting collection in this particular group of overpayments. The Department has also considered the problems in seeking repayment and the cost in attempting collections. The Department also had to consider its own probable future difficulties in firefighting recruitment if a large-scale program of recovery was prosecuted affecting the individual members of the Indian tribes and the 22 persons of Spanish-American ancestry included in this bill. As is noted in the communication from the Department of Agriculture, as a practical matter it is probable that collections could be made only through a withholding of future earnings of the men when again employed as firefighters. This committee recognizes that such a course of action would hardly be an aid in recruiting these people to fight forest fires. The Department further has advised the Congress that there are serious problems in identifying the individuals subject to the overpayment and even when all of the preliminary work is done, a collection effort could not be expected to yield more than a small percentage of the overpayments involved. As a result the Department of Agriculture concluded that this was a proper subject for legislative relief and recommended the enactment of the bill.

As is more fully set forth in the statement accompanying the communication which is set forth following this report, there are four separate situations involved in the overpayments to the firefighters. As the result of payments of wages to Indian crewmembers from reservations in New Mexico on the basis of Arizona wage rates, 1,004 firefighters were overpaid \$27,844.53. These amounts were paid for service rendered in the Challis and Salmon National Forests in Idaho in 1961.

Three hundred and forty-nine firefighters were overpaid \$3,211.07 for amounts paid as travel allowances incident to service in the Sierra National Forest in California in 1961 and 1962. Payments had been questioned which involved allowance of more than 8 hours pay for travel time during a single 24-hour period contrary to the then applicable policy. Individual payments in this category varied from \$5.28 to \$23.68.

Sixty-four firefighters were overpaid a total of \$1,403.70. These occurred on the Sierra and Roosevelt National Forests in California and Colorado in 1962, and on the San Isabel, Pike, and Shoshone National Forests in 1963. Of this latter group, 22 were not Indians, but rather were persons of Spanish-American descent recruited in northern New Mexico and sent to the fires along with Indian crews. The overpayment in these cases resulted from failure to recognize differences in job definitions as then used in Arizona and New Mexico from those used in California, Colorado, and Wyoming, resulting in some crewmembers being paid a higher rate per hour than was applicable to actual work assignment.

Finally, four firefighters were overpaid a total of \$12.44. This occurred on the Toiyabe National Forest in Nevada in July 1962. This resulted from the relatively small errors covered by the use of erroneous hourly rate so that the men were paid at \$2.04 per hour when the applicable rate was \$1.97.

The committee notes that the problems giving rise to the overpayments involved in this bill have, to a large degree, now been alleviated by changes in procedure. In 1960 a uniform wage rate was used for the southwestern firefighter crews from both Arizona and New Mexico and again in 1962 and subsequent seasons. This not only guards against the reoccurrence of mistakes, such as described with reference to tribe members from different States, but also adheres to the principle of equal pay for equal work. This is of paramount importance in maintaining the relations necessary for continuance of the fine cooperation and assistance by the southwestern Indian tribes.

Starting with 1963 the travel instructions were also changed to allow 16 hours pay within a 24-hour period in situations involving both travel and standby time.

These changes were made in the interest of equitable treatment of these essential firefighters as well as for the purpose of eliminating problems of the type which led to the errors referred to in this report.

The problem of several wage boards symbolizing differently the firefighter job titles have been resolved by issuance of instructions to all Forest Service wage boards and requiring use of a simple numbering system beginning with the 1964 fire season. Moreover, the nature and causes of each of these types of errors reported herein, and the remedial steps taken, are being brought to the attention of all Forest Service personnel who are or may be engaged in the fire suppression activity.

This committee has concluded that from the standpoint of equity and fairness as well as from the standpoint of practical Government operations, legislative relief is clearly justified in these cases. Accordingly, it is recommended that the bill be considered favorably.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, March 16, 1965.

HON. JOHN W. MCCORMACK,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: Enclosed for the consideration of the Congress is a draft of a bill for the relief of certain employees of the Forest Service; namely, members of the southwestern firefighter crews from New Mexico and Arizona, with respect to payments contrary to administrative regulations regarding wage rates, job categories, and travel time in effect at the time of the payments. Also enclosed is a statement explaining details of the situation, conditions leading to the erroneous payments, and the reasons for transmitting the attached proposal.

This Department recommends enactment of the draft bill.

The draft bill would validate payments made by the Department in some 1,421 cases over a 3-year period for services rendered. It would provide that refunds of such payments shall not be required. It would provide for relief of the authorized certifying and disbursing officers of the Forest Service, U.S. Department of Agriculture, from accountability or responsibility for any payments described in the bill

and allow credits in the settlement of the accounts of those officers for payments which are found to be free from fraud and collusion.

As set forth in the accompanying statement, we have thoroughly considered the possible success we would have in making collection; the problems we would encounter; the cost in attempting the collections; and our own probable future difficulties in firefighter recruitment were we to initiate a large-scale program of recovery from the individual migratory workers all over Arizona and New Mexico, of the amounts of overpayment to each. It is probable that we could effect such collections only from future earnings as the men are later employed as firefighters. There would be enormous problems of identification. A collection effort would not be expected to yield more than a small percentage of the total overpayments.

For the above reasons, we believe that the enactment of the proposed bill is desirable.

Since the payments have all been made, relief from collection would entail no further expenditure of Government funds.

A similar letter is being sent to the President of the Senate.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

Enclosures.

JUSTIFICATION STATEMENT TO ACCOMPANY PROPOSED BILL, TO VALIDATE CERTAIN PAYMENTS MADE TO EMPLOYEES OF THE FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Use of southwestern Indian firefighter crews

The practice of organizing and training southwestern Indians was undertaken by the Forest Service beginning shortly after World War II for the purpose of having a ready availability of capable, trained outdoorsmen who could withstand the rigors of hard physical labor under adverse conditions. Through this practice the Indian firefighters have developed into unusually well qualified and experienced forest firefighters. They have been sent to forest fires throughout most of the forested areas of Western United States.

Indian firefighters from the reservations of Arizona and New Mexico have built a considerable national reputation for their firefighting ability and accomplishments. There is no difference or distinctions to organization, training, ability, or assignment between the Indians from reservations in Arizona and those from reservations in New Mexico. Except for a period from April 2, 1961, to April 1, 1962, and a brief period in 1964, the pay scales were identical regardless of domicile. In later years, a few Spanish-American crews were organized and used on the same basis.

Language barriers, tribal customs, special training, and organization have caused these Indians from Arizona and New Mexico to operate to a large extent as self-contained units. On the fireline and in the fire camps these Indians do not associate with other firefighters but, instead, they work as special crews and maintain separate camp areas. On the fireline they are not interspersed with other firefighters. They

have their own strawbosses, interpreters, liaison officers, and Indian leaders. Special rules governing the above and other items of operation, such as activating crews on short notice through central contacts, have been worked out with the various tribes involved and are applied uniformly.

Overpayments of 1961, 1962, and 1963 forest fires

The forest fire seasons of 1961 and 1962 were particularly disastrous, at times taxing the manpower strength and reserves of the Forest Service. In 1961, southwestern firefighter crews were moved into the Salmon National Forest of Idaho; in 1962 crews were flown into both California and Colorado and used on fires on several national forests. Although the 1963 fire season was generally more favorable, fires in June of that year in Colorado and Wyoming were of such size and potential danger that 317 crewmembers were mobilized and sent to the San Isabel, Pike, and Shoshone National Forests.

As a general rule, and with only rare exception, these firefighter crews are paid at or near the fire location as they are released from fire duty. Payment is accomplished by Treasury check issued by assistant disbursing officers. Timekeeping procedures, prepayment, computation and audit, and check issuances are within good business practice and sound control. Notwithstanding these controls, the emergency conditions which prevail at the sites of forest fires create difficulties in the recordkeeping and payment actions.

As a result of audits by the General Accounting Office, it was found that overpayments to members of southwestern firefighter crews occurred in the summers of 1961, 1962, and 1963. Notices of exception have been issued to the disbursing officers and certifying officers involved. Overpayments in varying amounts were made in 1,421 cases and the overpayments total \$32,472. Of this amount, \$31,462 is covered by the Comptroller General's report to the Congress, dated March 1964. The remaining \$1,010 is the result of a subsequent General Accounting Office audit and is not included in their March report. The average overpayment is \$22.85, but actual overpayments vary from \$3.10 to \$99.84.

Causes of overpayments

There were four separate situations involved in the overpayments to the southwestern firefighter crewmembers. They are discussed below in descending order of number of crewmembers and amounts involved.

1. One thousand and four firefighters were overpaid a total of \$27,844.53. These occurred on the Challis and Salmon National Forests in Idaho in 1961.

Cause: Use of Arizona wage rates for payments to Indian crewmembers from reservations in New Mexico.

Approximately 2,000 southwestern firefighters were detailed to the Salmon and Challis National Forests in the summer of 1961. These were from both Arizona and New Mexico. When the crews arrived at the fire locations, their liaison officers had with them only the wage scales for the State of Arizona. A separate wage scale, 20 cents an hour lower for crewmembers, was in effect for the State of New Mexico, but through inadvertence in copying and distribution, only those wage tables for Arizona had been made available. There was no distribution or separation of the Arizona Indians from the

New Mexico Indians; they slept, ate, and worked together and at the same work. They were all paid from the same wage rate tables. However, as disclosed by GAO audit, the crewmembers whose home addresses are in New Mexico should have been paid a lower rate per hour.

In this instance, payments were made to 1,004 Indian crewmembers from New Mexico at hourly rates generally 20 cents more than the approved rate. The payments were made in good faith and the rates paid were the same as paid to Arizona crewmembers.

2. Three hundred and forty-nine firefighters were overpaid a total of \$3,211.07. These occurred on the Sierra National Forest in California in 1961 and 1962.

Cause: Allowance of more than 8 hours' pay for traveltime during a single 24-hour period, contrary to then-established policy. Individual overpayments in this category varied from \$5.28 to \$23.68.

In the movement of large numbers of men to and from forest fires, over long distances via both scheduled and chartered commercial services, the Forest Service has found it necessary to carefully delineate policy as to pay allowances while traveling. As modes of transportation have changed; as commercial facilities and services have improved; and as travel speed has increased, this policy has been changed to be consistent with the times. In 1961 and 1962 the policy was to allow not more than 8 hours traveltime per 24-hour period except when performed in vehicles without reclining seats. All time in arduous travel such as in trucks, on foot, or horseback, or in vehicles without reclining seats is classed as worktime.

Firefighter personnel are provided transportation and traveltime pay (within legalized policy limits) from point of hire, and return thereto, if services, are performed as requested. In the case of southwestern firefighter crews, the point of hire is always a pueblo or other central location on the crew's home reservation.

Since Indian crews are paid as they depart from the fire location, the computation of pay allowances requires a predetermination of traveling time from that location back to the point of hire. Where the pay office is in a town or city, traveltime must be computed from the fire camp.

On various dates in late July 1961, southwestern firefighting crews were moved from two major fires on the Sierra National Forest to Fresno and thence to home locations in Arizona and New Mexico.

Transportation was by Greyhound bus. Normally, firefighters are moved from the fire camp to the nearest town (Fresno) by truck or other transportation; thus, the time involved would normally be classed as worktime. In this instance the Greyhound busses picked the firefighters up at the camp and therefore the time involved should have been classed as "travel time" and paid at that rate. This point was overlooked, resulting in overpayments of from 2 to 3½ hours at applicable hourly rates.

Included in the overpayments was a situation where 69 Zuni firefighters were allowed from 2 to 4 hours travel time to reach their places of residence (point of hire) from Gallup, N. Mex. This developed to have been an error because the order to the carrier indicated destination as Zuni, N. Mex.

3. Sixty-four firefighters were overpaid a total of \$1,403.70. These occurred on the Sierra and Roosevelt National Forests in California

and Colorado in 1962, and on the San Isabel, Pike, and Shoshone National Forests in 1963. Of this latter group, 22 were not Indians, but rather were persons of Spanish-American descent recruited in northern New Mexico and sent to the fires along with Indian crews.

Cause: Failure to recognize differences in job definitions as then used in Arizona and New Mexico from those used in California, Colorado, and Wyoming, resulting in some crewmembers being paid a higher rate per hour than was applicable to actual work assignment.

Wage board rate determinations provide hourly pay rates for various wage board jobs by titles and related classifications. In the Forest Service, wage boards are established by regions; there being among others, one in Albuquerque, N. Mex., for the States of Arizona and New Mexico, one in San Francisco for the State of California, and one in Denver for the States of Colorado, Wyoming, and others not here involved. In 1962 and 1963 the Albuquerque board established wage rates for various work titles in forest firefighting, identifying work title by a system of position numbers (FF-1, FF-2, etc.). The San Francisco and Denver wage boards did the same thing but in those years there was no correlation of position numbers between the regions; thus it developed that position FF-8 in Arizona-New Mexico was equivalent to FF-6 in California and FF-7 in Colorado-Wyoming.

One crew of 20 Zuni Indians was dispatched in 1962 to a forest fire in California. The lists of the men by name and qualification, and basic time reports for each man, were prepared at the point of hire and sent with them to the fire. The time officer at the fire adjusted the grade numbers one step downward (from FF-8 to FF-7 and from FF-7 to FF-6). The correct adjustment, as disclosed by GAO audit, should have been two steps, FF-8 to FF-6, etc. In a similar manner, a total of 44 crewmembers were overpaid from \$0.06 to \$0.30 per hour for work on fires in Colorado and Wyoming. Of the latter, 6 were overpaid in 1962 and 38 in 1963. In these cases also, the time reports were initially prepared at the point of hire, and the interregional differences in position symbols not noted and corrected at the fire camps.

4. Four firefighters were overpaid a total of \$12.44. This occurred on the Toiyabe National Forest in Nevada in July 1961.

Cause: Use of erroneous hourly rate (paid at \$2.04 per hour when applicable rate was \$1.97).

Statement of Department position

It is acknowledged that these errors did occur and in the manner and for the reasons stated in the General Accounting Office's reports to the Congress of the United States. Forest Service officials have carefully considered the recommendation of the General Accounting Office that it obtain recovery of all amounts overpaid. All of the payees were southwestern firefighters. For a great many crewmembers our records indicate only a name, the tribe, and crew number. The identification of the individuals who comprise a particular crew on a particular fire, because of language, name, and post office problems on the reservations, is very difficult once the crews have returned to the reservations. Collection action involving over 1,400 men in total would be difficult, in many instances almost impossible, and would be extremely costly to initiate and maintain. Forest Service officials who have had close-working familiarity with members of these Indian

crews estimate that it would be unlikely to recover more than 10 percent of the overpayments.

The considerations stated herein have resulted in the conclusion that there is basis for relieving all of the individuals who were so overpaid from all responsibility for repaying the United States, and for relieving the disbursing officers and certifying officers of the payment exceptions issued against them.

It should also be pointed out that except for the 1961 season and a brief period in 1964 a uniform wage rate was used for the southwestern firefighter crews from both Arizona and New Mexico. This adheres to the principle of equal pay for equal work. This is of paramount importance in maintaining the relations necessary for continuance of the fine cooperation and assistance by the southwestern Indian tribes.

Starting with 1963, the travel instructions were also changed to allow 16 hours' pay within a 24-hour period in situations involving both travel and standby time.

The above changes were made in the interest of equitable treatment of these essential firefighters as well as for the purpose of eliminating problems of the type which led to the above-cited errors.

The problem of several wage boards symbolizing differently the firefighter job titles has been resolved by issuance of instructions to all Forest Service wage boards and requiring use of a simple numbering system beginning with the 1964 fire season. Moreover, the nature and causes of each of these types of errors reported herein, and the remedial steps taken, are being brought to the attention of all Forest Service personnel who are or may be engaged in the fire-suppression activity.



Union Calendar No. 125

89TH CONGRESS
1ST SESSION

H. R. 6691

[Report No. 262]

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1965

Mr. ASHMORE introduced the following bill; which was referred to the Committee on the Judiciary

APRIL 27, 1965

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To validate certain payments made to employees of the Forest Service, United States Department of Agriculture.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That overpayments made by the Forest Service, United
4 States Department of Agriculture, during the forest fire
5 seasons, 1961, 1962, and 1963 to employee-members of
6 southwestern firefighter crews from New Mexico and Ari-
7 zona, whose services were used in fighting forest fires in
8 Idaho, Nevada, California, Colorado, and Wyoming, and
9 payments for traveltime in excess of eight hours a day and
10 for traveltime prior to actual start of travel, are hereby
11 validated.

1 SEC. 2. The Comptroller General of the United States,
2 or his designee, shall relieve authorized certifying and dis-
3 bursing officers of the Forest Service, United States Depart-
4 ment of Agriculture, from accountability or responsibility
5 for any payments described in section 1 of this Act, and
6 shall allow credits in the settlement of the accounts of those
7 officers for payments which are found to be free from fraud
8 and collusion.

89TH CONGRESS
1ST SESSION

H. R. 6691

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By Mr. ASHMORE

MARCH 24, 1965

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OFFICE OF THE
CLERK OF THE HOUSE OF REPRESENTATIVES

H. R. 6691

(House No. 6691)

A BILL

TO

FOR

THE

OF

AND

IN

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C.

20250

Official Business

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OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued May 4, 1965

For actions of May 3, 1965

89th-1st; No. 78

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HIGHLIGHTS: see page 3

SENATE

1. **FOOD MARKETING.** Passed without amendment H. R. 5702, to extend for one year (until July 1, 1966) the date on which the National Commission on Food Marketing shall make a final report to the President and to the Congress, and to authorize \$1 million additional for the work of the Commission. This bill will now be sent to the President. pp. 8955-8
2. **FOREIGN AID.** Both Houses received the President's report on the foreign aid program for fiscal year 1964 (H. Doc. 95). pp. 8808, 8890-1
3. **NOMINATIONS.** Received the nomination of John A. Schnittker to be Under Secretary of Agriculture, and the nomination of Under Secretary Murphy to be a member of the Civil Aeronautics Board. p. 8962

4. CIVIL RIGHTS. Sen. Hart inserted a statement of Sen. McGovern commending the civil rights policies of this Department, particularly those recently adopted relating to ASCS. pp. 8921-2
5. SOIL CONSERVATION. Received a Delaware Legislature resolution urging Congress "to give the necessary and adequate support to the continuance of the Agricultural conservation program and the Soil Conservation Service." p. 8892
Received a GAO report "on significant savings available by replacing sedan delivery vehicles with pickup trucks, Soil Conservation Service." p. 8891
6. ECONOMIC STATISTICS. Sen. Proxmire stated that the Subcommittee on Economic Statistics of the Joint Economic Committee is undertaking a review of the statistical requirements of our Nation in the light of present and future needs of the growing economy, and inserted several items on the subject. pp. 8951-3
7. TRANSPORTATION. Sen. Bartlett commended the increase in air freight between Alaska and the continental U. S., including the transportation of food and other agricultural products.
8. PROPERTY; LANDS. At the request of Sen. Muskie, S. 1681, to provide for uniform, fair, and equitable treatment of persons, businesses, or farms displaced by Federal and federally assisted programs, was re-referred from the Banking and Currency Committee to the Government Operations Committee. p. 8904
9. DAIRY. Sen. Mundt was added as a cosponsor of S. 1838, to make dairy products available for domestic and foreign programs. p. 8904
10. INTERGOVERNMENTAL RELATIONS. Sen. Muskie announced that the H. and S. Subcommittees on Intergovernmental Relations will hold joint hearings May 25-27 "to evaluate the record of the Advisory Commission on Intergovernmental Relations with respect to its assigned functions, to further define the direction in which we are moving in the intergovernmental relations field, and to analyze the future role of the Commission." p. 8904
HOUSE
11. PERSONNEL. Passed without amendment H. R. 6691, to validate certain over-payments made by the Forest Service to Southeastern Indian firefighter crews from N. Mex. and Ariz. pp. 8813-4
Passed under suspension of the rules H. R. 6926, to strengthen the financial condition of the Employees' Life Insurance Fund created by the Federal Employees' Group Life Insurance Act of 1954 and to provide certain adjustments in amounts of group life and group accidental death and dismemberment insurance under such Act. pp. 8819-21
12. NATIONAL PARKS. Passed with amendment S. 60, to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in Idaho, after substituting the language of H. R. 908 as passed earlier under suspension of the rules. H. R. 908 was tabled. pp. 8814-18
Passed with amendment S. 339, to provide for the establishment of the Agate Fossil Beds National Monument in Nebr., after substituting the language of H. R. 500 as passed earlier under suspension of the rules. H. R. 500 was tabled. pp. 8818-19

(d) All delegations of authority, orders, regulations, directives, or other official actions, with respect to the benefits and allowances provided by such section 235 of title 38, United States Code, shall continue in full force and effect until modified, amended, superseded, or revoked.

With the following committee amendments:

On page 2, line 2, after the word "abroad," insert "A claim may not be allowed under this section unless it is presented in writing to the Administrator or his designee within two years after the claim accrues."

On page 3, line 6, after the word "benefits," insert "for overseas employees of the Veterans' Administration."

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUDGES OF THE U.S. DISTRICT COURT, ALASKA

The Clerk called the bill (H.R. 5283) to provide for the inclusion of years of service as judge of the district court for the Territory of Alaska in the computation of years of Federal judicial service for judges of the U.S. District Court for the District of Alaska.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, I would like to inquire how much of an increase in monthly annuity and/or other benefits would this particular individual judge receive as a result of this bill.

Mr. ASHMORE. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman.

Mr. ASHMORE. There will be no increase in annuities under the terms of this bill. This simply provides for the inclusion of a judge's service while he was serving as a judge in the Territory of Alaska before it became a State. It puts persons who served as judges of the territorial court in Alaska in the same category as those who served in the State of Hawaii at the time when Hawaii became a State. For some reason this was neglected in the case of Alaska.

Mr. PELLY. I would like to inquire further whether this legislation would not simply qualify this individual for retirement under the System? Is that the purpose of the legislation?

Mr. ASHMORE. I do not know, as a matter of fact, whether it would qualify him. But, of course, as a matter of logic I should think that would probably have something to do with the reason for the bill being here. It simply puts him in the same category from the standpoint of retirement as he would have been in had he served in a Federal district court in the United States rather than having served in the Territory.

Mr. PELLY. How about other judges now serving in Alaska? Will this legislation have any effect on them?

Mr. ASHMORE. This, so far as I know, affects only one judge.

Mr. PELLY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 5283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, any service as a judge of the District Court for the Territory of Alaska shall be included in computing under sections 371 and 372 of title 28, United States Code, the aggregate years of judicial service of a United States district judge for the district of Alaska.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

PORT OF PORTLAND, OREG.

The Clerk called the bill (H.R. 5184) for the relief of the port of Portland, Oreg.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I only want to observe that apparently someone in the Federal Government did not do a very good job of homework in looking up the law of the State of Oregon, in view of the fact that the U.S. Government said it would not pay royalties on this operation and then it was compelled by the Supreme Court of the State of Oregon to pay a royalty. I should think someone, some Federal attorney somewhere who represented the Government in this case might well have his knuckles rapped for entering into contract and being made to back down by reason of State law which ought to have been taken into consideration in the first place.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 5184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of the port of Portland (Oregon) on account of payment of a judgment plus interest to the State of Oregon, pursuant to a decision of the Circuit Court of Multnomah County (Oregon), representing a royalty on certain material supplied to the Department of the Army by the port under a negotiated contract, order numbered 40-71921, dated January 28, 1959, and to allow in full and final settlement of the claim a sum not to exceed \$6,226.80. There is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of \$6,226.80 for the payment of said claim.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JURY COMMISSIONS FOR U.S. DISTRICT COURTS

The Clerk called the bill (H.R. 5640) to provide for a jury commission for each U.S. district court, to regulate its compensation, to prescribe its duties, and for other purposes.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

VALIDATE PAYMENTS TO EMPLOYEES OF THE FOREST SERVICE

The Clerk called the bill (H.R. 6691) to validate certain payments made to employees of the Forest Service, U.S. Department of Agriculture.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, this is about the same proposition that we were up against in prior Congresses with regard to relieving accountability and responsibility of disbursing officers. I understand that this is an unusual situation. I understand that remedial steps have been taken to avoid a recurrence of these special overpayments to deserving firefighters who have been transported long distances, and particularly these fine Indian and/or Spanish-American firefighters who formed teams of their own and who are paid by their "head man" after being recruited from the pueblos et cetera. Why do we not try to penalize the paymaster rather than using a legislative remedy to correct these excessive payments and these errors in handling the public moneys?

Is there any top limit in the amount that we will allow them relief from?

Mr. ASHMORE. Mr. Speaker, if the gentleman will yield, did the gentleman ask for the amount involved?

Mr. HALL. I understand all of the amounts are between a few dollars and \$99.84. I ask two questions. One, is there any top limit in the amounts that the paymaster may be relieved from overpaying in this bill; and then I ask the question, why we do not penalize the paymaster instead of just granting largess and relief for all of these overpayments?

Mr. ASHMORE. Mr. Speaker, if the gentleman will yield further, the answer to the first question is "No."

Mr. HALL. I can't believe that. If they—paymaster—overpay \$1,000 and still could prove that there was no collusion, under this bill in a future similar incident they would be allowed to go scot free?

Mr. ASHMORE. No, no. The gentleman has the wrong impression. This bill does not cover any future instances of this kind. It just takes care of the inequity provided for in this particular case and these few firefighters involved. The lowest sum involved for any person here is \$3.10 and the maximum is \$99.84.

Mr. HALL. Does not the gentleman agree that this would set a precedent for future firefighting teams and relief of the paymasters thereof?

Mr. ASHMORE. It could set a precedent in a sense, in view of the fact that this type case was taken care of, but we hope this will not arise again in the future. We hope they will make provision to avoid such a situation as this and I

believe they surely will. It is simply a matter of wage rates between firefighters who came from the State of Arizona in one case and in New Mexico in another case. It is hoped that they will take care of this inequity or this difference in the wages that these Indians are paid when they are called upon to fight a fire.

Mr. HALL. I certainly join the gentleman from South Carolina in his hope and I pray that there will not be a recurrence of this and that it is remedied.

I still feel, as he and I have discussed the matter the past year re: relief of paymasters, be they in military service or elsewhere; that perhaps we should not completely relieve them of responsibility and accountability even in rare and separate instances.

Mr. ASHMORE. I agree with the gentleman.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That overpayments made by the Forest Service, United States Department of Agriculture, during the forest fire seasons, 1961, 1962, and 1963 to employee-members of southwestern firefighter crews from New Mexico and Arizona, whose services were used in fighting forest fires in Idaho, Nevada, California, Colorado, and Wyoming, and payments for traveltime in excess of eight hours a day and for traveltime prior to actual start of travel, are hereby validated.

SEC. 2. The Comptroller General of the United States, or his designee, shall relieve authorized certifying and disbursing officers of the Forest Service, United States Department of Agriculture, from accountability or responsibility for any payments described in section 1 of this Act, and shall allow credits in the settlement of the accounts of those officers for payments which are found to be free from fraud and collusion.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

IMPARTING OF FALSE INFORMATION

The Clerk called the bill (H.R. 6848) to amend section 35 of title 18 of the United States Code relating to the imparting or conveying of false information.

There being no objection, the Clerk read the bill, as follows:

H.R. 6848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 35 of title 18 of the United States Code is amended to read as follows:

"(a) Whoever in part or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this chapter or chapter 97 or chapter 111 of this title shall be subject to a civil penalty of not more than \$1,000 which shall be recoverable in a civil action brought in the name of the United States."

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

TRAVEL IN AID OF ARSON

The Clerk called the bill (H.R. 6507) to make section 1952 of title 18, United States Code, applicable to travel in aid of arson.

There being no objection, the Clerk read the bill, as follows:

H.R. 6507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) (2) of section 1952 of title 18, United States Code, is amended to read as follows:

"(2) extortion, bribery, or arson in violation of the laws of the State in which committed or of the United States."

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the eligible bills on the Consent Calendar.

NEZ PERCE NATIONAL HISTORICAL PARK, IDAHO

Mr. RIVERS of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 908) to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes, as amended.

The Clerk read as follows:

H.R. 908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to facilitate protection and provide interpretation of sites in the Nez Perce country of Idaho that have exceptional value in commemorating the history of the Nation.

SEC. 2. To implement this purpose the Secretary of the Interior may designate as the Nez Perce National Historical Park various component sites in Federal and non-Federal ownership relating to the early Nez Perce culture, the Lewis and Clark Expedition through the area, the fur trade, missionaries, gold mining and logging, the Nez Perce war of 1877, and such other sites as he finds will depict the role of the Nez Perce country in the westward expansion of the Nation.

SEC. 3. The Secretary of the Interior may acquire by donation or with donated funds such lands, or interests therein, and other property which in his judgment will further the purpose of this Act and he may purchase with appropriated funds land, or interests therein, required for the administration of the Nez Perce National Historical Park: *Provided*, That he may purchase no more than one thousand five hundred acres in fee, and no more than one thousand five hundred acres in scenic easements. The Nez Perce Tribe's governing body, if it so desires, with the approval of the Secretary of the Interior, is authorized to sell, donate, or exchange tribal-owned lands held in trust needed to further the purpose of this Act.

SEC. 4. (a) Indian trust land may be designated by the Secretary of the Interior for inclusion in the Nez Perce National Historical Park with the concurrence of the beneficial owner. States in Federal ownership under the administrative jurisdiction of other Government agencies may likewise be designated by the Secretary of the Interior for inclu-

sion in the Nez Perce National Historical Park with the concurrence of the agency having administrative responsibility therefor, but such designation shall effect no transfer of administrative control unless the administering agency consents thereto. Not more than one thousand and five hundred acres overall shall be designated pursuant to the foregoing provisions of this subsection. The Secretary of the Interior may cooperate with the Nez Perce Tribe or the administering agency, as the case may be, in research into and interpretation of the significance of any site so designated and in providing desirable interpretive services and facilities and other facilities required for public access to and use and enjoyment of the site and in conservation of the scenic and other resources thereof.

(b) The Secretary of the Interior may enter into cooperative agreements with the owners of property which, under the provisions of this Act, may be designated for inclusion in Nez Perce National Historical Park as sites in non-Federal ownership, and he may assist in the preservation, renewal, and interpretation of the properties, provided the cooperative agreements shall contain, but not be limited to, provisions that: (1) the Secretary has right of access at all reasonable times to all public portions of the property for the purpose of conducting visitors through the property and interpreting it to the public, and (2) no changes or alterations shall be made in the properties, including buildings and grounds, without the written consent of the Secretary.

SEC. 5. When the Secretary of the Interior determines that he has acquired title to, or interest in, sufficient properties or determines that he has entered into appropriate cooperative agreements with owners of non-Federal properties, or any combination thereof including the designation of sites already in Federal ownership, he shall by publication in the Federal Register establish the Nez Perce National Historical Park and thereafter administer the Federal property under his administrative jurisdiction in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

SEC. 6 (a) In order to carry out the purpose of this Act the Secretary of the Interior may contract and make cooperative agreements with the State of Idaho, its political subdivisions or agencies, corporations, associations, the Nez Perce Tribe, or individuals, to protect, preserve, maintain, or operate any site, object, or property included within the Nez Perce National Historical Park, regardless of whether title thereto is in the United States: *Provided*, That no contract or cooperative agreement shall be made or entered into which will obligate the general fund of the Treasury unless or until Congress has appropriated money for such purpose.

(b) To facilitate the interpretation of the Nez Perce country the Secretary is authorized to erect and maintain tablets or markers in accordance with the provisions contained in the Act approved August 21, 1935, entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes" (49 Stat. 666).

SEC. 7. There are hereby authorized to be appropriated the sums of not more than \$630,000 for the acquisition of lands and interests in land and not more than \$1,337,000 for construction, restoration work, and other improvements at the Nez Perce National Historical Park under this Act.

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

89TH CONGRESS
1ST SESSION

H. R. 6691

IN THE SENATE OF THE UNITED STATES

MAY 4, 1965

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To validate certain payments made to employees of the Forest Service, United States Department of Agriculture.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That overpayments made by the Forest Service, United
4 States Department of Agriculture, during the forest fire
5 seasons, 1961, 1962, and 1963 to employee-members of
6 southwestern firefighter crews from New Mexico and Ari-
7 zona, whose services were used in fighting forest fires in
8 Idaho, Nevada, California, Colorado, and Wyoming, and
9 payments for traveltime in excess of eight hours a day and
10 for traveltime prior to actual start of travel, are hereby
11 validated.

1 SEC. 2. The Comptroller General of the United States,
2 or his designee, shall relieve authorized certifying and dis-
3 bursing officers of the Forest Service, United States Depart-
4 ment of Agriculture, from accountability or responsibility
5 for any payments described in section 1 of this Act, and
6 shall allow credits in the settlement of the accounts of those
7 officers for payments which are found to be free from fraud
8 and collusion.

Passed the House of Representatives May 3, 1965.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To validate certain payments made to employees of the Forest Service, United States Department of Agriculture.

MAY 4, 1965

Read twice and referred to the Committee on
Agriculture and Forestry

May 12, 1965

11. INTERGOVERNMENTAL RELATIONS. Rep. Fountain announced that the H. and S. Subcommittees on Intergovernmental Relations will jointly hold hearings May 25, 26, and 27 to review and evaluate the performance of the Advisory Commission on Intergovernmental Relations. pp. 9925-6
12. FOREIGN AID. Rep. Nedzi commended the foreign aid program and inserted a summary explaining "the criteria and goals of the highly selective and efficient economic aid program proposed for 1966." pp. 9926-8
13. VIRGIN ISLANDS. Received from GAO an audit report of the Virgin Islands Corporation for fiscal year 1964 (H. Doc. 171). p. 9936
14. COMMITTEE ASSIGNMENTS. Rep. Wydler was elected a member of the Government Operations Committee. p. 9909

SENATE

15. FLOOD CONTROL. A subcommittee of the Agriculture and Forestry Committee approved for full committee consideration with amendment S. 99, to include under the benefits of the Watershed Protection and Flood Prevention Act areas which include structures of 12,500 acre-feet (now 5,000 acre feet) of flood water detention capacity; and S. 199, to permit cost of utility relocations under the Watershed Protection and Flood Prevention Act to be borne by the Federal Government if the local organization is financially unable to bear such cost. p. D385
16. PERSONNEL. A subcommittee of the Agriculture and Forestry Committee approved for full committee consideration with amendment S. 1689, to permit the hiring or rental of private property by the Forest Service from its employees at isolated locations, and without amendment H. R. 6691, to validate certain over-payments made by the Forest Service to Southwestern Indian firefighter crews from N. Mex and Ariz. p. D385
17. WATER UTILIZATION. Received a Washington State Legislature resolution urging Congress "to provide funds so that the construction of the third powerhouse at Grand Coulee can be commenced." p. 9941
Received a Minnesota State Legislature resolution urging that Congress "provide for development of the Wild Rice River watershed and for construction of a dam on the Wild Rice River." pp. 9941-2
18. SOIL CONSERVATION. Received a Vermont State Legislature resolution urging Congress "to appropriate necessary funds to maintain the technical services of the Soil Conservation Service." p. 9942
19. REGIONAL DEVELOPMENT. Sen. McGovern inserted several editorials discussing the establishment of State-Federal development commissions in States under the proposed Public Works and Regional Development Act of 1965. pp. 9968-9
20. EDUCATION. Sen. Yarborough inserted a university newspaper article expressing support of his bill to provide readjustment assistance to veterans who serve in the Armed Forces. pp. 9962-3
21. NATIONAL PARKS. A subcommittee of the Agriculture and Forestry Committee approved for full committee consideration with amendment S. 7, to provide for the establishment of the Spruce Knob-Seneca Rocks National Recreation Area, W. Va. p. D385

22. EXPORT CONTROL. Sen. Muskie announced that the Subcommittee on International Finance of the Senate Banking and Currency Committee will begin hearings on Mon., May 24, on S. 948, to amend section 2 of the Export Control Act of 1949. p. 9952
23. FOREIGN TRADE. Sen. Javits inserted a statement, "Northeast States Sell \$372 Million Yearly to Puerto Rico; Commonwealth Buys More From United States Than 17 European Nations Combined." p. 9965
24. ELECTRIFICATION. Senators Mondale and Cooper paid tribute to the Rural Electrification Administration on its 30th anniversary. pp. 9965-6, 9967
25. PUBLIC LANDS. Sen. Metcalf inserted an address by the executive director of the American Institute of Planners, "Comprehensive Countywide Planning: A Voice in Public Land Management." pp. 9966-7
26. FARM PROGRAM. Sen. McGovern inserted a statement of "some agricultural statistics and an interpretation of their meaning" from a S. Dak. Chamber of Commerce which states "the present inequitable farm parity program is crushing the economy of the rural area." pp. 9971-2
27. SCHOOL LUNCH PROGRAM. Sen. Hart commended the school lunch program and inserted his testimony before the agricultural appropriations subcommittee on this subject. pp. 994-5
28. FARM LABOR. Sen. Holland stated "the situation is not growing better in the field of agricultural labor as it affects perishable crops, particularly fruits, berries, and vegetables," and inserted numerous articles and letters supporting this statement. pp. 10013-38

ITEMS IN APPENDIX

29. BUDGET. Rep. Evins inserted an article, "Fine Economy, Cost Cuts Are Trimming 1965 Deficit." p. A2331
Rep. Sweeney inserted an article, "Economy More Robust Than Ever." p. A2338
30. ELECTRIFICATION. Extension of remarks of Reps. Cooley, Bandstra, and Schmidhauser commending REA programs. pp. A2336, A2339, A2356-7
Rep. Hansen inserted a statement which "discusses in detail" the reason why a proposed rate increase by the Bonneville Power Co. "would injure the economy of the Northwest." p. A2348
31. NATIONAL PARK. Rep. Pool inserted an article, "Potential for a National Park-- The Guadalupe." pp. A2336-7
32. CONSERVATION. Extension of remarks of Rep. Callan describing the uses of soil surveys, the growing importance of multiple land use, and inserting an article opposing proposed reduction in SCS appropriations. pp. A2349-50, A2353, A2353
33. IMPORTS. Extension of remarks of Rep. Whitener stating that "My constituents are alarmed over the increase in the importation of manmade fibers", and inserting an article which states that such imports hit a peak in February. p. A2363

SENATE

May 19, 1965

8. CIGARETTE LABELING. The Commerce Committee reported with amendments S. 559, to regulate the labeling of cigarettes (S. Rept. 195). p. 10575
9. INTERNATIONAL MONETARY FUND. The Foreign Relations Committee reported H.R. 6497, to amend the Bretton Woods Agreements Act to authorize an increase in the International Monetary Fund quota of the U. S. (S. Rept. 196). p. 10575
10. WATERSHEDS. The "Daily Digest" states that the Agriculture and Forestry Committee voted to report (but did not actually report) "an original bill in lieu of an amended version of S. 99," to increase from 5,000 acre-feet to 12,500 acre-feet the maximum flood-water detention capacity of reservoirs under the Watershed Protection and Flood Prevention Act; and S. 199, with amendment, to permit cost of utility relocations under the Watershed Protection and Flood Prevention act to be borne by the Federal Government if the local organization is financially unable to bear such cost. p. D417
11. PERSONNEL; PROPERTY. The "Daily Digest" states that the Agriculture and Forestry Committee voted to report (but did not actually report) ~~S. 1689, with amendment, to permit the hiring or rental of private property by the Forest Service from its employees at isolated locations; and H.R. 6691, to validate certain over-payments made by the Forest Service to Southwestern Indian firefighter crews from N. Mex. and Ariz.~~ p. D417
12. FISH; WILDLIFE. Began debate on S. 1734, to conserve and protect Pacific salmon of North American origin (pp. 10592-5). The bill had been reported with amendments earlier (May 18, during adjournment) (S. Rept. 194) (p. 10574).
13. HOUSING. Sen. Javits submitted an amendment to S. 1599, to establish a Department of Housing and Urban Development, which would authorize the establishment of an Inter-Agency Coordinating Council. p. 10589-90.
14. LOANS; WATER SUPPLY. Cosponsors were added to S. 1766, to authorize Farmers Home Administration loans for rural water supply and water systems. p. 10590
15. FARM LABOR. Sen. Murphy inserted two editorials concerning the farm labor problem in Calif. p. 10610
16. COTTON. Sen. Tower commended and inserted a resolution of a Texas county Commissioners' Court "urging Congress to use its power to prevent a discontinuance of the skip-row practice of planting cotton for next year." p. 10611
17. PATENTS. Sen. Metcalf criticized the Administration's patent policy. pp. 10616-20

ITEMS IN APPENDIX

18. MARKETING. Rep. Gilligan inserted a brief summary of the truth-in-packaging bill. pp. A2484-5
19. POVERTY. Rep. Cederberg inserted an article questioning the benefits of the poverty program. p. A2485
20. FOREIGN TRADE. Extension of remarks of Rep. Martin, Ala., criticizing the administration's proposal "calling for relaxing trade restrictions with Soviet Russia and her Communist satellite nations." pp. A2485-6

21. ELECTRIFICATION. Extension of remarks of Rep. Schisler commending REA programs. pp. A2486-7
22. TEXTILES. Rep. Whitener inserted a constituent's letter in which he stated that "the cotton legislation passed last year, in my opinion, is largely responsible for the present improvement in the overall textile business." pp. A2503-4
23. RECREATION. Rep. Dingell inserted an address supporting Sleeping Bear Dunes National Lakeshore. p. A2504

BILLS INTRODUCED

24. PERSONNEL. S. 1997 by Sen. Monroney, to adjust the rates of basic compensation of certain officers and employees in the Federal Government; to Post Office and Civil Service Committee. Remarks of author pp. 10585-6
S. 1998 by Sen. Monroney, to establish the Federal Salary Review Commission; to Post Office and Civil Service Committee. Remarks of author pp. 10585-6
25. LOANS. H. R. 8286 by Rep. Hansen, Iowa, to amend the Consolidated Farmers Home Administration Act of 1961 to provide additional assistance for disaster victims; to Agriculture Committee.
H. R. 8287 by Rep. Hansen, Iowa, to amend the Small Business Act to provide additional assistance for disaster victims; to Banking and Currency Committee.
26. MILK. S. 1993 by Sen. Mondale, to amend the Public Health Service Act to protect the public from unsanitary milk and milk products shipped in interstate commerce, without unduly burdening such commerce; to Labor and Public Welfare Committee. Remarks of author pp. 10580-5
27. WATER RESOURCES. H. R. 8277 by Rep. Collier, to authorize the Secretaries of the Army, Agriculture, and the Interior to make Federal contributions to certain State water resource projects; to Public Works Committee.
28. DISASTER RELIEF. H. R. 8281 by Rep. Greigg, to amend the Agricultural Act of 1949, to take into consideration floods and natural disasters in reference to the feed grains program; to Agriculture Committee.
29. POVERTY. H. R. 8283 by Rep. Gibbons, to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964; to Education and Labor Committee.
30. FEDERAL AID. H. R. 8288 by Rep. Krebs, to achieve the fullest cooperation and coordination of activities between the levels of Government in order to improve the operation of our Federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local governments, to establish coordinated intergovernmental policy and administration of grants and loans for urban development, to provide for the acquisition, use and disposition of land within urban areas by Federal agencies in conformity with local government programs; to Government Operations Committee.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
Washington, D. C. 20250

Official Business Postage and Fees Paid
U S Department of Agriculture

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued May 26, 1965
For actions of May 25, 1965
89th-1st.; No. 94

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HIGHLIGHTS: House passed foreign-aid authorization bill. Rep. Findley asked FTC investigation of cotton-textile prices. House committee reported bill to provide benefits for ASC committee employees. Senate confirmed nomination of Murphy to CAB. Senate passed bill to permit Government to pay for utility relocations in watershed projects. Sen. Young, N. Dak., introduced and discussed wheat bill.

HOUSE

1. FOREIGN AID. Passed, 249-148, with amendments H. R. 7750, the foreign aid authorization bill (pp. 11120-56). Rejected various amendments including the following:
By Rep. Cramer, opposing aid to countries that trade with Cuba, by a 58-133 vote (pp. 11130-3).
By Rep. Thomson, Wis., to have end-use inspectors report to the Inspector General rather than the mission director (pp. 11134-5).
By Rep. Gross, to reduce the authorization by \$1 billion (pp. 11135-6).
The committee report states: "H. R. 7750 authorizes the appropriation of \$2,004,195,000 for the foreign assistance programs for fiscal year 1966. This new authorization, together with funds previously authorized, as shown in the table..., provides authority for the appropriation of \$3,367,670,000 for fiscal year 1966. This is a reduction of \$12,700,000 below the amount requested by the President."

The bill includes \$2 million for a contribution to the world food program project. It amends the Agricultural Trade Development and Assistance Act to forbid sales of surplus agricultural products to the United Arab Republic, but authorizes the President to waive this prohibition if he determines that such sale is essential to the U. S. national interest. The amendment provides that no such sales shall be based on the requirements of the United Arab Republic for more than 1 fiscal year.

The Foreign Affairs Committee submitted a report on oversea programs of private nonprofit American organizations (H. Rept. 368). p. 11196

2. PERSONNEL. The Post Office and Civil Service Committee reported with amendment H. R. 2452, to extend the benefits of the Annual and Sick Leave Act of 1951, the Veterans' Preference Act of 1944, and the Classification Act of 1949 with respect to employees of county ASC committees (H. Rept. 375). p. 11197

A subcommittee of the Post Office and Civil Service Committee ordered re-reported to the full Committee H. R. 242, to extend the apportionment requirement in the Civil Service Act of 1883 to temporary summer employment. p. D445

3. EXPORT CONTROL. The Banking and Currency Committee voted to report (but did not actually report) H. R. 7105 (amended), to continue the Export Control Act (p. D444). The Committee was authorized to report the bill, during adjournment, until midnight May 29 (p. 11157).
4. COTTON-TEXTILE PRICES. Rep. Findley requested an investigation by the Federal Trade Commission of the "trend of cloth prices and textile-mill margins" since the cotton program was enacted. pp. 11173-4
5. FARM LABOR. Rep. Gonzalez inserted his correspondence with Secretary Wirtz on the plan for a youth farm labor program during the summer. p. 11189
6. WATER RESEARCH. Both Houses received the President's report on the Federal water resources research program for fiscal year 1966. pp. 11196, 11082
7. RECLAMATION. The Rules Committee reported resolutions for consideration of H. R. 237, relating to construction of the Garrison unit of the Missouri River Basin project, and H. R. 485, to authorize the Auburn-Folsom South unit of the Central Valley project. p. 11197
8. LEGISLATIVE PROGRAM. The Majority Leader announced that the agricultural appropriation bill is to be debated today (May 26) and that the House would probably complete this week's business on Thurs., meet Fri. but have no business, and adjourn until Tues. p. 11158

SENATE

9. WATERSHEDS. Passed as reported S. 199, to permit the Government to bear the cost of utility relocations under the Watershed Protection and Flood Prevention Act under certain conditions. p. 11082
10. PERSONNEL; PROPERTY. The Agriculture and Forestry Committee reported without amendment ~~S. 1689, to permit the hiring or rental of private property by the Forest Service from its employees at isolated locations (S. Rept. 243); and~~ H. R. 6691, to validate certain over-payments made by the Forest Service to Southwestern Indian firefighter crews from N. Mex. and Ariz. (S. Rept. 244). p. 11083

VALIDATION OF CERTAIN PAYMENTS MADE TO EMPLOYEES OF THE FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

MAY 25 (legislative day, MAY 24), 1965.—Ordered to be printed

Mr. EASTLAND, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany H.R. 6691]

The Committee on Agriculture and Forestry, to whom was referred the bill (H.R. 6691), to validate certain payments made to employees of the Forest Service, U.S. Department of Agriculture, having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill would validate overpayments made through mistakes to southwestern firefighter crewmembers in 1961, 1962, and 1963. Overpayments were made in 1,421 cases totaling \$32,472. The average overpayment is \$22.85, but actual overpayments range from \$3.10 to \$99.84. A great many of the persons to whom overpayments were made were Indians identified only by name, tribe, and crew number. Collection would be difficult and costly; and the Forest Service estimates that it would be unlikely that more than 10 percent of the overpayments could be recovered. The Forest Service has now established a uniform wage rate, changed travel instructions, and required the use of a simple uniform system of job titles; and the Comptroller General has advised that he will evaluate the adequacy of the control measures in future reviews.

The overpayments were as follows:

(1) \$27,844.53 was overpaid to 1,004 firefighters in 1961 because Arizona wage rates were inadvertently paid to firefighters from New Mexico (instead of New Mexico wage rates which were 20 cents lower). Firefighters from both States worked, slept, and ate together and were mistakenly paid from the same wage rate tables.

(2) \$3,211.07 was inadvertently overpaid to 349 firefighters for travel time in excess of 8 hours during a 24-hour period. Travel in trucks is paid as work time and firefighters are usually moved

from camps in trucks. Firefighters moved from camp in Greyhound buses were inadvertently paid for work time instead of travel time. In another case 69 Zuni Indians were allowed travel pay for transportation from Gallup, rather than from Zuni, as it should have been.

(3) \$1,403.70 was overpaid to 64 firefighters through failure to take proper account of regional differences in job definitions.

(4) \$12.44 was overpaid to four firefighters as a result of using the wrong wage rate.

This legislation was requested by the Department of Agriculture. The letter requesting it and the justification accompanying the letter are attached. The bill is intended only to cover the overpayments to southwestern firefighter crewmembers described in the Department's letter and justification.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, March 16, 1965.

HON. JOHN W. McCORMACK,
Speaker of the House of Representatives.

DEAR MR. SPEAKER. Enclosed for the consideration of the Congress is a draft of a bill for the relief of certain employees of the Forest Service; namely, members of the southwestern firefighter crews from New Mexico and Arizona, with respect to payments contrary to administrative regulations regarding wage rates, job categories, and traveltime in effect at the time of the payments. Also enclosed is a statement explaining details of the situation, conditions leading to the erroneous payments, and the reasons for transmitting the attached proposal.

This Department recommends enactment of the draft bill.

The draft bill would validate payments made by the Department in some 1,421 cases over a 3-year period for services rendered. It would provide that refunds of such payments shall not be required. It would provide for relief of the authorized certifying and disbursing officers of the Forest Service, U.S. Department of Agriculture, from accountability or responsibility for any payments described in the bill and allow credits in the settlement of the accounts of those officers for payments which are found to be free from fraud and collusion.

As set forth in the accompanying statement, we have thoroughly considered the possible success we would have in making collection; the problems we would encounter; the cost in attempting the collections; and our own probable future difficulties in firefighter recruitment were we to initiate a large-scale program of recovery from the individual migratory workers all over Arizona and New Mexico, of the amounts of overpayment to each. It is probable that we could effect such collections only from future earnings as the men are later employed as firefighters. There would be enormous problems of identification. A collection effort would not be expected to yield more than a small percentage of the total overpayments.

For the above reasons, we believe that the enactment of the proposed bill is desirable.

Since the payments have all been made, relief from collection would entail no further expenditure of Government funds.

A similar letter is being sent to the President of the Senate.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

JUSTIFICATION STATEMENT TO ACCOMPANY PROPOSED BILL, TO VALIDATE CERTAIN PAYMENTS MADE TO EMPLOYEES OF THE FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Use of southwestern Indian firefighter crews

The practice of organizing and training southwestern Indians was undertaken by the Forest Service beginning shortly after World War II for the purpose of having a ready availability of capable, trained outdoorsmen who could withstand the rigors of hard physical labor under adverse conditions. Through this practice the Indian firefighters have developed into unusually well-qualified and experienced forest firefighters. They have been sent to forest fires throughout most of the forested areas of Western United States.

Indian firefighters from the reservations of Arizona and New Mexico have built a considerable national reputation for their firefighting ability and accomplishments. There is no difference or distinctions to organization, training, ability, or assignment between the Indians from reservations in Arizona and those from reservations in New Mexico. Except for a period from April 2, 1961, to April 1, 1962, and a brief period in 1964, the pay scales were identical regardless of domicile. In later years, a few Spanish-American crews were organized and used on the same basis.

Language barriers, tribal customs, special training, and organization have caused these Indians from Arizona and New Mexico to operate to a large extent as self-contained units. On the fireline and in the fire camps these Indians do not associate with other firefighters but, instead, they work as special crews and maintain separate camp areas. On the fireline they are not interspersed with other firefighters. They have their own strawbosses, interpreters, liaison officers, and Indian leaders. Special rules governing the above and other items of operation, such as activating crews on short notice through central contacts, have been worked out with the various tribes involved and are applied uniformly.

Overpayments of 1961, 1962, and 1963 forest fires

The forest fire seasons of 1961 and 1962 were particularly disastrous, at times taxing the manpower strength and reserves of the Forest Service. In 1961, southwestern firefighter crews were moved into the Salmon National Forest of Idaho; in 1962 crews were flown into both California and Colorado and used on fires on several national forests. Although the 1963 fire season was generally more favorable, fires in June of that year in Colorado and Wyoming were of such size and potential danger that 317 crewmembers were mobilized and sent to the San Isabel, Pike, and Shoshone National Forests.

4 VALIDATION OF PAYMENTS TO FOREST SERVICE EMPLOYEES

As a general rule, and with only rare exception, these firefighter crews are paid at or near the fire location as they are released from fire duty. Payment is accomplished by Treasury check issued by assistant disbursing officers. Timekeeping procedures, prepayment, computation and audit, and check issuances are within good business practice and sound control. Notwithstanding these controls, the emergency conditions which prevail at the sites of forest fires create difficulties in the recordkeeping and payment actions.

As a result of audits by the General Accounting Office, it was found that overpayments to members of southwestern firefighter crews occurred in the summers of 1961, 1962, and 1963. Notices of exception have been issued to the disbursing officers and certifying officers involved. Overpayments in varying amounts were made in 1,421 cases and the overpayments total \$32,472. Of this amount, \$31,462 is covered by the Comptroller General's report to the Congress, dated March 1964. The remaining \$1,010 is the result of a subsequent General Accounting Office audit and is not included in their March report. The average overpayment is \$22.85, but actual overpayments vary from \$3.10 to \$99.84.

Causes of overpayments

There were four separate situations involved in the overpayments to the southwestern firefighter crewmembers. They are discussed below in descending order of number of crewmembers and amounts involved.

1. One thousand and four firefighters were overpaid a total of \$27,844.53. These occurred on the Challis and Salmon National Forests in Idaho in 1961.

Cause: Use of Arizona wage rates for payments to Indian crewmembers from reservations in New Mexico.

Approximately 2,000 southwestern firefighters were detailed to the Salmon and Challis National Forests in the summer of 1961. These were from both Arizona and New Mexico. When the crews arrived at the fire locations, their liaison officers had with them only the wage scales for the State of Arizona. A separate wage scale, 20 cents an hour lower for crewmembers, was in effect for the State of New Mexico, but through inadvertence in copying and distribution, only those wage tables for Arizona had been made available. There was no distribution or separation of the Arizona Indians from the New Mexico Indians; they slept, ate, and worked together and at the same work. They were all paid from the same wage rate tables. However, as disclosed by GAO audit, the crewmembers whose home addresses are in New Mexico should have been paid a lower rate per hour.

In this instance, payments were made to 1,004 Indian crewmembers from New Mexico at hourly rates generally 20 cents more than the approved rate. The payments were made in good faith and the rates paid were the same as paid to Arizona crewmembers.

2. Three hundred and forty-nine firefighters were overpaid a total of \$3,211.07. These occurred on the Sierra National Forest in California in 1961 and 1962.

Cause: Allowance of more than 8 hours' pay for traveltime during a single 24-hour period, contrary to then-established policy. Individual overpayments in this category varied from \$5.28 to \$23.68.

In the movement of large numbers of men to and from forest fires, over long distances via both scheduled and chartered commercial services, the Forest Service has found it necessary to carefully delineate policy as to pay allowances while traveling. As modes of transportation have changed, as commercial facilities and services have improved, and as travel speed has increased, this policy has been changed to be consistent with the times. In 1961 and 1962 the policy was to allow not more than 8 hours traveltime per 24-hour period except when performed in vehicles without reclining seats. All time in arduous travel such as in trucks, on foot, or horseback, or in vehicles without reclining seats is classed as worktime.

Firefighter personnel are provided transportation and traveltime pay (within legalized policy limits) from point of hire, and return thereto, if services are performed as requested. In the case of southwestern firefighter crews, the point of hire is always a pueblo or other central location on the crew's home reservation.

Since Indian crews are paid as they depart from the fire location, the computation of pay allowances requires a predetermination of traveling time from the location back to the point of hire. Where the pay office is in a town or city, traveltime must be computed from the fire camp.

On various dates in late July 1961, southwestern firefighting crews were moved from two major fires on the Sierra National Forest to Fresno and thence to home locations in Arizona and New Mexico.

Transportation was by Greyhound bus. Normally, firefighters are moved from the fire camp to the nearest town (Fresno) by truck or other transportation; thus, the time involved would normally be classed as worktime. In this instance the Greyhound buses picked the firefighters up at the camp and therefore the time involved should have been classed as "travel time" and paid at that rate. This point was overlooked, resulting in overpayments of from 2 to 3½ hours at applicable hourly rates.

Included in the overpayments was a situation where 69 Zuni firefighters were allowed from 2 to 4 hours travel time to reach their places of residence (point of hire) from Gallup, N. Mex. This developed to have been an error because the order to the carrier indicated destination as Zuni, N. Mex.

3. Sixty-four firefighters were overpaid a total of \$1,403.70. These occurred on the Sierra and Roosevelt National Forests in California and Colorado in 1962, and on the San Isabel, Pike, and Shoshone National Forests in 1963. Of this latter group, 22 were not Indians, but rather were persons of Spanish-American descent recruited in northern New Mexico and sent to the fires along with Indian crews.

Cause: Failure to recognize differences in job definitions as then used in Arizona and New Mexico from those used in California, Colorado, and Wyoming, resulting in some crewmembers being paid a higher rate per hour than was applicable to actual work assignment.

Wage board rate determinations provide hourly pay rates for various wage board jobs by titles and related classifications. In the Forest Service, wage boards are established by regions; there being among others, one in Albuquerque, N. Mex., for the States of Arizona

and New Mexico, one in San Francisco for the State of California, and one in Denver for the States of Colorado, Wyoming, and others not here involved. In 1962 and 1963 the Albuquerque board established wage rates for various work titles in forest firefighting, identifying work title by a system of position numbers (FF-1, FF-2, etc.). The San Francisco and Denver wage boards did the same thing but in those years there was no correlation of position numbers between the regions; thus it developed that position FF-8 in Arizona-New Mexico was equivalent to FF-6 in California and FF-7 in Colorado-Wyoming.

One crew of 20 Zuni Indians was dispatched in 1962 to a forest fire in California. The lists of the men by name and qualification, and basic time reports for each man, were prepared at the point of hire and sent with them to the fire. The time officer at the fire adjusted the grade numbers one step downward (from FF-8 to FF-7 and from FF-7 to FF-6). The correct adjustment, as disclosed by GAO audit, should have been two steps, FF-8 to FF-6, etc. In a similar manner, a total of 44 crewmembers were overpaid from \$0.06 to \$0.30 per hour for work on fires in Colorado and Wyoming. Of the latter, 6 were overpaid in 1962 and 38 in 1963. In these cases also, the time reports were initially prepared at the point of hire, and the interregional differences in position symbols not noted and corrected at the fire camps.

4. Four firefighters were overpaid a total of \$12.44. This occurred on the Toiyabe National Forest in Nevada in July 1961.

Cause: Use of erroneous hourly rate (paid at \$2.04 per hour when applicable rate was \$1.97).

Statement of Department position

It is acknowledged that these errors did occur and in the manner and for the reasons stated in the General Accounting Office's reports to the Congress of the United States. Forest Service officials have carefully considered the recommendation of the General Accounting Office that it obtain recovery of all amounts overpaid. All of the payees were southwestern firefighters. For a great many crewmembers our records indicate only a name, the tribe, and crew number. The identification of the individuals who comprise a particular crew on a particular fire, because of language, name, and post office problems on the reservations, is very difficult once the crews have returned to the reservations. Collection action involving over 1,400 men in total would be difficult, in many instances almost impossible, and would be extremely costly to initiate and maintain. Forest Service officials who have had close-working familiarity with members of these Indian crews estimate that it would be unlikely to recover more than 10 percent of the overpayments.

The considerations stated herein have resulted in the conclusion that there is basis for relieving all of the individuals who were so overpaid from all responsibility for repaying the United States, and for relieving the disbursing officers and certifying officers of the payment exceptions issued against them.

It should also be pointed out that except for the 1961 season and a brief period in 1964 a uniform wage rate was used for the southwestern firefighter crews from both Arizona and New Mexico. This

adheres to the principle of equal pay for equal work. This is of paramount importance in maintaining the relations necessary for continuance of the fine cooperation and assistance by the southwestern Indian tribes.

Starting with 1963, the travel instructions were also changed to allow 16 hours' pay within a 24-hour period in situations involving both travel and standby time.

The above changes were made in the interest of equitable treatment of these essential firefighters as well as for the purpose of eliminating problems of the type which led to the above-cited errors.

The problem of several wage boards symbolizing differently the firefighter job titles has been resolved by issuance of instructions to all Forest Service wage boards and requiring use of a simple numbering system beginning with the 1964 fire season. Moreover, the nature and causes of each of these types of errors reported herein, and the remedial steps taken, are being brought to the attention of all Forest Service personnel who are or may be engaged in the fire-suppression activity.



Calendar No. 233

89TH CONGRESS
1ST SESSION

H. R. 6691

[Report No. 244]

IN THE SENATE OF THE UNITED STATES

MAY 4, 1965

Read twice and referred to the Committee on Agriculture and Forestry

MAY 25 (legislative day, MAY 24), 1965

Reported by Mr. EASTLAND, without amendment

AN ACT

To validate certain payments made to employees of the Forest Service, United States Department of Agriculture.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That overpayments made by the Forest Service, United
4 States Department of Agriculture, during the forest fire
5 seasons, 1961, 1962, and 1963 to employee-members of
6 southwestern firefighter crews from New Mexico and Ari-
7 zona, whose services were used in fighting forest fires in
8 Idaho, Nevada, California, Colorado, and Wyoming, and
9 payments for traveltime in excess of eight hours a day and
10 for traveltime prior to actual start of travel, are hereby
11 validated.

1 SEC. 2. The Comptroller General of the United States,
2 or his designee, shall relieve authorized certifying and dis-
3 bursing officers of the Forest Service, United States Depart-
4 ment of Agriculture, from accountability or responsibility
5 for any payments described in section 1 of this Act, and
6 shall allow credits in the settlement of the accounts of those
7 officers for payments which are found to be free from fraud
8 and collusion.

Passed the House of Representatives May 3, 1965.

Attest:

RALPH R. ROBERTS,

Clerk.

89TH CONGRESS
1ST SESSION

H. R. 6691

[Report No. 244]

AN ACT

To validate certain payments made to employees of the Forest Service, United States Department of Agriculture.

MAY 4, 1965

Read twice and referred to the Committee on
Agriculture and Forestry

MAY 25 (legislative day, MAY 24), 1965

Reported without amendment

— H. R. 6691

(Enacted July 24, 1901)

AN ACT

to amend the Act approved July 2, 1900, relating to the

of the

and the

May 28, 1965

10. PERSONNEL; PROPERTY. Passed ~~as reported S. 1689, to permit the hiring or rental of private property by the Forest Service from its employees at isolated locations; and without~~ amendment H. R. 6691, to validate certain over payments made by the Forest Service to Southwestern Indian firefighter crews from N. Mex. and Ariz. H. R. 6691 will now be sent to the President. pp. 11359-60
11. NOMINATIONS. The Nomination of Wilbur J. Cohen, to be Under Secretary of Health, Education and Welfare, was confirmed. p. 11304
12. ECONOMIC DEVELOPMENT. Began debate on S. 1648, the proposed Public Works and Economic Development Act of 1965. pp. 11366-88, 11406
13. SOIL CONSERVATION. Sens. Russell, S. C., and Douglas paid tribute to the soil and water conservation districts on the occasion of "Soil Stewardship Week" and Sen. Douglas inserted the statement of SCS Administrator Williams in connection with these observances. pp. 11410, 11428-9
14. PATENTS; RESEARCH. Sen. Yarborough criticized the practice of developing technological knowledge through expenditure of Federal funds then turning over the Government's rights to private contractors and inserted a supporting editorial "Hassle Over Patents." pp. 11414-5
15. COTTON. Sen. Tower commended and inserted a letter from a Texas county crops committee protesting the proposed change in the rules for measuring cotton when planted in a skip-row pattern. p. 11416
Sen. Tower commended and inserted a letter and an editorial urging new cotton legislation. pp. 11416, 11421-2
16. TEXTILE LABELING. The Commerce Committee was discharged from further consideration of H. R. 806, to amend the Textile Fiber Products Identification Act to permit the listing on labels of certain fibers constituting less than 5 percent of a textile fiber product, and the bill was passed without amendment. This bill will now be sent to the President. pp. 11246-7
17. ECONOMY. Sen. Javits inserted an editorial commending the minority report of the Joint Economic Committee report on the President's Economic Report describing it as a constructive and needed document. pp. 11417-8
18. AGING; SENIOR CITIZENS. The Labor and Public Welfare Committee reported with amendments H. R. 3708, to provide assistance in the development of new or improved programs to help older persons through grants to the States for community planning and services and for training, through research, development or training projects grants, and to establish within HEW an operating agency to be designated as the "Administration on Aging" (S. Rept. 247). p. 11392
Sens. Carlson and Ribicoff submitted amendments to the Administration's bill to provide health care for the aged. pp. 11404-6
19. TRANSPORTATION. Sen. Bartlett commended and inserted a speech stating that the decline of certain segments of the U. S. merchant fleet "has reached a point where we are now faced with the danger of losing control over the orderly movement of our foreign commerce." pp. 11424-5
20. VETERANS' BENEFITS. Sen. Yarborough urged support of his bill S. 9, to give cold war veterans educational and home loan benefits similar to those provided for veterans of World War II. p. 11430

21. MARKETING; FOREIGN TRADE. Sen. Pell spoke in support of Sen. Muskie's bill, the proposed Orderly Marketing Act of 1965. pp. 11443-4
22. ADJOURNMENT. Sen. Mansfield announced that the Senate would meet Fri. but have no business and adjourn until Tues. pp. 11386

ITEMS IN APPENDIX

23. ECONOMICS; BANKING. Extension of remarks of Sen. Jackson commending and inserting a statement, "The Government's Use of Our Dollars", discussing the economic decision-making process. pp. A2657-9
24. DAIRY. Extension of remarks of Sen. Young, N. Dak., inserting a constituent's letter outlining problems he faces as a dairy producer and "the cost-price squeeze." p. A2661
Rep. Race inserted a report which had been submitted to the Dairy and Food Industries Supply Ass'n describing efforts being made to expand oversea sales and to find markets in new areas. pp. A2671-2
25. SOYBEANS. Rep. Michel inserted an article describing the development of the soybean industry and stating that "American agriculture has every right to be very proud of its export record." p. A2678
26. MEAT INSPECTION. Extension of remarks of Rep. Sullivan expressing approval that "funds have been provided to meet the continuing expansion of the meat and poultry inspection programs", commending the combining of this Department's inspection services. pp. A2680-2
27. OPINION POLL. Rep. Rumsfeld inserted results of a national issues poll, including items of interest to this Department. pp. A2683-4
28. RESEARCH; RAGWEED. Extension of remarks of Rep. Kelly urging enactment of her proposed bill which would authorize this Department to eradicate ragweed and stating that "I earnestly urge that the Department of Agriculture recommend a study to review the most efficient means of destroying this plant in all areas of the United States." p. A2688

BILLS INTRODUCED

29. ELECTRIFICATION. H. R. 8471 by Rep. Gray, and H. R. 8486 by Rep. Denton, to amend the Federal Power Act, as amended in respect of the jurisdiction of the Federal Power Commission over nonprofit cooperatives; to Interstate and Foreign Commerce Committee.
30. FOREIGN TRADE. S. 2045 by Sen. Hartke, H. R. 8510 thru H. R. 8597, to amend the Antidumping Act, 1921; to Senate Finance and House Ways and Means Committees. Remarks of Sen. Hartke pp. 11393-9
H. R. 8474 by Rep. Keith, Orderly Marketing Act of 1965; to Ways and Means Committee. Remarks of author pp. 11298-9
31. PUBLIC DEBT. H. R. 8464 by Rep. Mills, to provide for the period beginning on July 1, 1965, and ending on June 30, 1966, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act; to Ways and Means Committee.

realize the hour is late, and I wish to give the Senate an opportunity to proceed with its business. There are many more angles to this controversy which will be brought to light and continued at a later date.

As the Senator from Pennsylvania has said, we will now close with the announcement that there are more and more interesting developments to follow.

INTERIOR DEPARTMENT AND RELATED AGENCIES APPROPRIATIONS, 1966

The Senate resumed the consideration of the bill (H.R. 6767) making appropriations for the Department of Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

Amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, in our action today in giving final approval to the Interior appropriations bill, the Senate has, I believe, adopted a progressive and positive approach to the further preservation and development of a large share of the natural resources in the West.

I would note that this bill includes a total of \$19 million for soil and watershed management on the public lands of the West. This sum will provide impetus to a vitally important program of halting the erosion of our soil and the waste of our precious water resources. It will also begin a restoration of these resources as well as the program of eliminating abuse.

As far as my State of Wyoming is concerned, this bill provides \$188,000 for construction at the Saratoga Fish Hatchery and \$60,000 for a badly needed study of elk management to be carried out by the U.S. Forest Service Laboratory at Laramie. Also in this bill are funds which will allow us to continue our predator control program on a realistic basis and to proceed with other development programs for additional recreational and agricultural benefits throughout the public lands of Wyoming. And, Mr. President, I should note that the State of Wyoming is almost one-half federally owned.

Particularly I wish to note that this budget contains the initial appropriation for the development of the Big Horn Canyon National Recreation Area, which will provide unlimited recreational op-

portunities in an extremely scenic area where the high plains meet the mountains. The development of this recreation area is another indication that we are making progress in our attempts to keep our development of the scenic and recreational potential of our Nation ahead of the rapidly increasing demands of an expanding and affluent population.

In sum, Mr. President, this bill represents positive, constructive, and timely action to make the best use of our natural resources and to fulfill the Federal obligations to those areas in which it is one of the dominant landholders.

Mr. HART. Mr. President, the action of the committee which I want briefly to note is its inclusion of land and water conservation funds to acquire the magnificent Sylvania tract in the westernmost part of Michigan's Upper Peninsula. This action was recommended by the Budget Bureau. This was approved by the Budget Bureau; both the Interior and Agriculture Departments support it without reservation.

As the committee notes, if the tract is not purchased now, in all probability there will not be another chance. I do hope this item can be retained in the conference.

THE CALENDAR

Mr. MANSFIELD. Mr. President, while Senators are streaming into the Chamber, I ask unanimous consent to lay aside the pending business and turn to Calendar No. 232 and consider three items in sequence. They have been cleared on both sides and are ready for action.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

HIRING OR RENTING PROPERTY FROM EMPLOYEES OF THE FOREST SERVICE

The Senate proceeded to consider the bill (S. 1689) to amend paragraph (a) of the act of March 4, 1913, as amended by the act of January 31, 1931, which had been reported from the Committee on Agriculture and Forestry with an amendment on page 1, line 8, after the word "thereby", to insert a colon and "Provided, That the aggregate amount to be paid permanent employees under authorization of this subsection, exclusive of obligations occasioned by fire emergencies, shall not exceed \$20,000 in any one year."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (a) of the Act of March 4, 1913, as amended by the Act of January 31, 1931 (16 U.S.C. 502), is amended to read as follows: "(a) To hire or rent property from employees of the Forest Service for the use of that Service, whenever the public interest will be promoted thereby: Provided, That the aggregate amount to be paid permanent employees under authorization of this subsection, exclusive of obligations occasioned

by fire emergencies, shall not exceed \$20,000 in any one year."

Mr. HICKENLOOPER. Mr. President, what is the subject matter of the bill? I cannot fathom it from the numbers being read.

Mr. MANSFIELD. The subject matter of the bill is to remove the existing prohibition against renting such property for use by the Forest Service by an employee from whom it is rented, and to increase the maximum rental.

Mr. HICKENLOOPER. I thank the Senator from Montana for his explanation.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 243), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 1689), to amend paragraph (a) of the act of March 4, 1913, as amended by the act of January 31, 1931 (16 U.S.C. 502), having considered the same, report thereon with a recommendation that it do pass with an amendment.

This bill, with the committee amendment, would amend the law authorizing the Forest Service to rent property needed by it from its employees whenever the public interest will be promoted thereby so as to—

(1) Remove the existing prohibition against renting such property for use by the employee from whom it is rented, and

(2) Increase the maximum total rentals which may be paid to all permanent employees in any one year from \$3,000 to \$20,000.

This legislation was requested by the Department of Agriculture. In certain situations, such as those where there is only occasional need for the property, it is to the advantage of the Government to rent property from its employees. At isolated posts, the employee who is to use the property may be the only one who has such property available for rent, and may also be the only employee available to perform the work for which the property is to be used. In addition, some property, such as horses, may be safe only if used by owner, or may be of such type that the owner is unwilling to rent it for use of another. The \$3,000 limitation on the amount to be paid all permanent employees in any year was established in 1931 and is no longer adequate.

The bill, as introduced, would have removed the \$3,000 limitation completely. The committee has recommended an amendment to increase the limit to \$20,000 rather than remove it.

VALIDATE CERTAIN PAYMENTS MADE TO EMPLOYEES OF THE FOREST SERVICE

The bill (H.R. 6691) to validate certain payments made to employees of the Forest Service, U.S. Department of Agriculture, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 244), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The Committee on Agriculture and Forestry, to whom was referred the bill (H.R. 6691), to validate certain payments made to employees of the Forest Service, U.S. Department of Agriculture, having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill would validate overpayments made through mistakes to southwestern firefighter crewmembers in 1961, 1962, and 1963. Overpayments were made in 1,421 cases totaling \$32,472. The average overpayment is \$22.85, but actual overpayments range from \$3.10 to \$99.84. A great many of the persons to whom overpayments were made were Indians identified only by name, tribe, and crew number. Collection would be difficult and costly; and the Forest Service estimates that it would be unlikely that more than 10 percent of the overpayment could be recovered. The Forest Service has now established a uniform wage rate, changed travel instructions, and required the use of a simple uniform system of job titles; and the Comptroller General has advised that he will evaluate the adequacy of the control measures in future reviews.

The overpayments were as follows:

(1) \$27,844.53 was overpaid to 1,004 firefighters in 1961 because Arizona wage rates were inadvertently paid to firefighters from New Mexico (instead of New Mexico wage rates which were 20 cents lower). Firefighters from both States worked, slept, and ate together and were mistakenly paid from the same wage rate tables.

(2) \$3,211.07 was inadvertently overpaid to 349 firefighters for traveltime in excess of 8 hours during a 24-hour period. Travel in trucks is paid as worktime and firefighters are usually moved from camps in trucks. Firefighters moved from camp in Greyhound buses were inadvertently paid for worktime instead of traveltime. In another case 69 Zuni Indians were allowed travel pay for transportation from Gallup, rather than from Zuni, as it should have been.

(3) \$1,403.70 was overpaid to 64 firefighters through failure to take proper account of regional differences in job definitions.

(4) \$12.44 was overpaid to four firefighters as a result of using the wrong wage rate.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF ACT

The Senate proceeded to consider the bill (H.R. 7031) to provide for the establishment and operation of a National Technical Institute for the Deaf.

Mr. JAVITS. Mr. President, I join with our distinguished committee chairman in support of H.R. 7031, the National Technical Institute for the Deaf Act. The distinguished Senator from Alabama is to be complimented for his foresight and thought in authoring this measure which, when enacted into law, will play a major role in bringing meaning into the lives of thousands of deaf young people and helping them to become constructive and useful citizens in their communities.

H.R. 7031 is a worthwhile, constructive, and much-needed measure. But it is only a first step in what hopefully could be a complete and comprehensive

program in meeting the educational needs of those who are deprived of the sense of normal hearing.

I make particular reference to the recommendations submitted in February of this year by the Advisory Committee on the Education of the Deaf in its report, "Education of the Deaf." This Advisory Committee, appointed by the Secretary of Health, Education, and Welfare in March 1964, is composed of a panel of 10 distinguished citizens headed by Dr. Homer D. Babbidge, Jr., president of the University of Connecticut, and formerly a distinguished official of the Office of Education during the Eisenhower administration.

At pointed out in the committee report on the pending bill, the recommendations made by the Advisory Committee merit immediate attention so that, where feasible, legislation might be enacted, or appropriate administrative action undertaken. The committee has urged the Secretary of Health, Education, and Welfare to soon "make available his analysis of the Advisory Committee's report, and to include with his analysis a summary of the administrative actions to be taken and legislative proposals to be supported in the general area covered by the 'Report on Education of the Deaf.'"

It is recognized, of course, that upon further deliberation, on recommendations by the Advisory Committee, it may be seen fit by Congress to modify them. However, the recommendations are of sufficient import to the 200,000 to 250,000 Americans who are deaf, that their consideration and action upon them, where appropriate, should not be delayed.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the recommendations of the Advisory Committee on Education of the Deaf.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

The Advisory Committee recommended: PLANNING

1. That the Congress of the United States be requested to authorize the appropriation of funds for a program of planning grants to the States, similar to the program of mental retardation planning grants, to be used to assist and encourage the States to develop individual State plans for the education of the deaf. A part of the funds thus appropriated should be reserved to the Commissioner of Education to facilitate regional and interstate planning.

2. That the Commissioner of Education convene a national conference of Federal, State, and local governmental and professional leadership to consider effective ways to encourage the development of State plans for the organization of educational and auxiliary services for the deaf.

POSTSECONDARY EDUCATION

1. That the Office of Education inaugurate a 5- to 10-year demonstration program involving the establishment of special facilitative services for deaf students at cooperating colleges and universities throughout the country designed to enhance the likelihood of academic success of deaf students therein. Emphasis in the program should be initially on fields of study not generally available to deaf students, such as engineer-

ing, architecture, and the professions, but not to the exclusion of liberal arts curriculums.

2. That a similar demonstration program be undertaken at a number of junior colleges throughout the country which are designated as "area vocational education schools" by the Commissioner of Education. Emphasis in selection should be placed on those institutions serving areas in which substantial numbers of deaf students are to be found, but where no residential vocational education schools are contemplated under section 14 of the Vocational Education Act of 1963.

3. That similar facilitative services for deaf students be provided on a continuing basis in the residential vocational education schools approved by the Commissioner of Education under section 14 of the Vocational Education Act of 1963, and that sufficient funds be included to finance them.

4. That the Office of Education consider in the light of its continuing evaluation of the foregoing demonstration programs whether the vocational and advanced technical educational requirements of deaf students are being adequately met, or whether there is a need for federally supported regional vocational education schools and a national technical institute exclusively for the deaf.

5. That the Office of Education prepare, distribute, and publicize informational materials designed to stimulate through State adult education programs the offering of classes for the adult deaf; and that State educational authorities seek the participation of organized groups of adult deaf and their leaders in initiating such programs.

GALLAUDET COLLEGE

1. That the Federal Government continue to support Gallaudet College in its efforts to maintain and improve its status as a liberal arts college to serve the Nation's deaf.

2. That the budget of Gallaudet College be increased in support of the following measures: (a) An increase in the number of course offerings in the natural sciences and the social sciences to make possible a wider range of electives; (b) a program of orientation that will permit new faculty members, at full pay, to devote at least 3 months to achieving a deeper understanding of the educational deprivation which the students have inevitably suffered because of their handicap, and to learning effective communication with the deaf; and (c) a liberalized leave policy to encourage faculty members to pursue programs leading to the doctoral degree.

3. That any plans for future growth of Gallaudet take into account the possibility of more deaf students studying in colleges for the hearing, with special help; and that, particularly if the recommendations of the committee with respect to postsecondary education of the deaf are accepted and put into practice, the college authorities proceed with particular caution in expansion planning until the recommended demonstration program has been evaluated, possibly raising its admission standards somewhat as a control on application pressures if they develop in the meantime.

4. That Public Law 420, 83d Congress, be amended to increase the number on the board of directors to 20, that the board seek to elect new members from a broader geographical base, that all board members serve for fixed terms of perhaps 5 years, that the board strive to increase alumni representation, and that the president of the college should serve as an ex officio, nonvoting member of the policymaking board.

FEDERAL ACTIVITIES

1. That a continuing national advisory committee on the education of the deaf be appointed by the Secretary of Health, Education, and Welfare.



Public Law 89-34
89th Congress, H. R. 6691
June 5, 1965

An Act

79 STAT. 124.

To validate certain payments made to employees of the Forest Service, United States Department of Agriculture.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That overpayments made by the Forest Service, United States Department of Agriculture, during the forest fire seasons, 1961, 1962, and 1963 to employee-members of southwestern firefighter crews from New Mexico and Arizona, whose services were used in fighting forest fires in Idaho, Nevada, California, Colorado, and Wyoming, and payments for traveltime in excess of eight hours a day and for traveltime prior to actual start of travel, are hereby validated. Forest Service.
Payments to em-
ployees, vali-
dation.

SEC. 2. The Comptroller General of the United States, or his designee, shall relieve authorized certifying and disbursing officers of the Forest Service, United States Department of Agriculture, from accountability or responsibility for any payments described in section 1 of this Act, and shall allow credits in the settlement of the accounts of those officers for payments which are found to be free from fraud and collusion.

Approved June 5, 1965.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 262 (Comm. on the Judiciary).
SENATE REPORT No. 244 (Comm. on Agriculture & Forestry).
CONGRESSIONAL RECORD, Vol. 111 (1965):
May 3: Considered and passed House.
May 26: Considered and passed Senate.

